

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

RP.No. 789 of 2006(B)

**AGAINST THE JUDGEMENT/ORDER IN CRP.914/2004 Dated
16/12/2005 OS.248/2003 of MUNSIF COURT, ALATHUR
(IA. 1664 /2003)**
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REVIEW PETITIONER/RESPONDENT

**M.K.OMANA, D/O.KUMARAN, 39 YEARS,
DANCE TEACHER, MADOLIPARAMBU VEEDU,
KANIAKUNNU, PUDUCODE, ALATHUR TALUK.**

BY ADV. SRI.AJITH KRISHNAN

RESPONDENT: REVISION PETITIONER

**C.RAMANI, W/O.C.K.CHAMMUNNI,
AGED 46 YEARS, SWASTHAM, MELECHOORKUNNU,
KANNAMBRA P.O., ALATHUR TALUK.**

BY ADV. SRI.JOHN JOSEPH (ROY)

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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R.P. 789 OF 2006 IN

C.R.P. NO. 914 OF 2004

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Dated this the 19th day of October, 2007.

O R D E R

This revision petition is filed against the order of this Court passed on 16.12.05. The said revision was preferred against the order in an amendment petition whereby the Court dismissed the same. This Court found that the said decision is wrong and allowed the amendment application. It is to review that order the present R.P. is filed. Whatever may be the contention of the defendant, the allegation in the plaint is of a trespass and the larger relief of recovery of possession on the strength of title is claimed by amendment. The truthfulness or correctness of the averments in the amended plaint can be met by the defendant by filing an additional written statement and a perusal of the review application would reveal that he wants to challenge the incorrectness of the averments. He can very well do it in his additional written statement. This Court has permitted the

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plaintiff to ask for a larger relief of recovery of possession.

Whether the plaintiff is entitled for the relief or not is a matter of evidence which the Court has to consider on merits.

Therefore, I do not find any error apparent on the face of the record which requires correction under Order 47 of the CPC and therefore the R.P. is dismissed.

M.N. KRISHNAN, JUDGE.

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